

IN THE UNITED STATES DISTRICT COURT

STATE OF MARYLAND

DOREEN SHING

CASE NUMBER

Pro Se Plaintiff / Claimant

 **23CV3415**
BAH

v.

Jury Trial Demanded

CENTER MEDICARE SERVICES

MD DEPT. OF HEALTH

MD DEVELOPMENTAL DISABILITIES ADM.

THE ARC OF CHESAPEAKE

Defendants / Respondents

PERMANENT INJUNCTIVE RELIEF MOTION

IN HARMONY WITH LAW BEFORE THEE BRING 42 C.F.R § 441.450

and 42 C.F.R § 441.740 and the prohibitions on causing undue hardship to a Disabled Individual in violation of the Americans with Disabilities Act and the Developmental Disabilities and Bill of Rights Act of 2000 and prohibitions on Invasion of Privacy in violation of the 4th, 5th and 14th Amendments to the U.S. Constitution now comes the plaintiff / claimant respectfully requesting that the Hon. Court order injunctive relief against the defendants.

STATEMENT OF CAUSE UPON WHICH RELIEF CAN BE GRANTED

The plaintiff was born with static encephalopathy, cerebral palsy, left-sided hemiparesis and repetitive seizure disorder. The plaintiff has been diagnosed as being on the Autism Spectrum at LEVEL 4. The plaintiff was awarded 168 per week, 24 hours a day, 7 days a week, 365 days a year Self-Directed Personal Assistant Services and Supports under Federal Medicare Medicaid Laws 42 C.F.R § 441.450 and 42 C.F.R § 441.740 and has been receiving these benefits since

the Courts awarded the benefits.

In June of 2023 the Centers for Medicare Services CMS under its Home and Community Based Services Waiver Program { HCBS } instituted mandatory EVVIE / EVIE / IVIE “E-Time” Evvie App and Portal in FMS Engine (FMSE) electronic Timesheets / Timekeeping and phone submissions to the MD Dept. of Health and the Md Developmental Disabilities Adm. ordering that the Staff and Employees of all Self-Directed Personal Assistant Services recipients i.e. must use their Cell Phones to Log into work and Log out of work. When staff and employees begin working they are required to Log-In by cell phone and when staff and employees are finished their work they are required to Log-Out by using their cell phones.

This EVVIE / EVIE / IVIE “E-Time” Evvie App and Portal in FMS Engine (FMSE) Zendesk requirement by CMS is a clear violation of the Rights to Privacy afforded to United States Citizens under the 4th, 5th and 14th Amendments to the U.S. Constitution.

The EVVIE / EVIE / IVIE “E-Time” Evvie App and Portal in FMS Engine. (FMSE) requirements also cause undue hardship in violation of the prohibitions on causing undue hardship to a Disabled Individual in violation of protections under the Americans with Disabilities Act and the Developmental Disabilities and Bill of Rights Act of 2000. This hardship is caused because when the plaintiff has interviewed potential Staff and Employees the potential employees have DECLINED working for the plaintiff because they expressed that their privacy will be invaded by the EVVIE and FMSE electronic system.

The Md Dept. of Health, the Md Developmental Disabilities Adm. and The ARC of Chesapeake are all subservient to CMS and receive most of their funding from the Federal Medicare Medicaid programs, including but not limited to the Self-Directed Personal Assistant Services Program.

The Md Dept. of Health, the Md Developmental Disabilities Adm. and The ARC of

Chesapeake cannot make any decisions independent of CMS in fear of their funding being cut or terminated in which case their very existence is compromised.

The plaintiff's current Staff and Employees have been scanning and emailing PAPER Timesheets and Mileage Reimbursement forms to the defendants. Negotiations and mediation Discussions under 28 U.S. Code § 651 are in order and the plaintiff respectfully requests that the Hon. Court order Alternative Dispute Resolution Proceedings. The plaintiff would like any and all of her current and future Staff and Employees to be able to scan and email their PAPER Timesheets and Mileage Reimbursement forms and any other required forms to the defendants ongoing and in perpetuity.

EXHIBITS

1} **EXHIBITS A. DEFENDANT'S MANDATORY EVVIE / IVIE "E-TIME" EVVIE APP AND PORTAL IN FMS ENGINE (FMSE) ELECTRONIC TIMEKEEPING.**

PERMANENT INJUNCTIVE RELIEF IS GRANTED TO PLAINTIFFS IN SIMILAR CASES

1} Permanent Injunctive relief was granted to appellants; under authority of Federal Laws 42 C.F.R. § 441.476 and 42 C.F.R. § 441.450 and 42 C.F.R. § 441.740 and 42 C.F.R. § 431.246, who filed Retroactive claims against State agencies for misconduct, abuse of discretion, malfeasance and abuse of power.

2} Anderson v. Ghaly. 2022 WL 717842, '10+. N.D. Cal.

3} Taylor v. Kansas Dept. of Health and Environment.

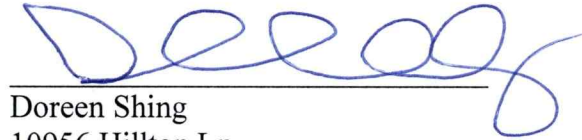
4} Kurnik v. Dept. of Health.

5} Guadagna v. Zucker.

CERTIFICATE OF SERVICE

Claimants hereby certify that on this 18th Day of December, 2023 a copy of the above motion for injunctive relief mandated by the Americans with Disabilities Act was mailed by United

States Postal Service to the defendant Center for Medicare Services at 7500 Security Blvd.
Baltimore, MD 21244.



Doreen Shing
10956 Hilltop Ln.
Columbia, Md 21044

CERTIFICATE OF SERVICE

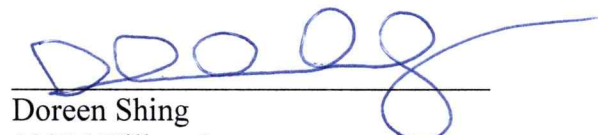
Claimants hereby certify that on this 18th Day of December, 2023 a copy of the above motion for injunctive relief mandated by the Americans with Disabilities Act was mailed by United States Postal Service to the defendant Merrick Garland U.S. Attorney at 950 PA Ave., NW Washington, DC 20530.



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10956 Hilltop Ln.
Columbia, Md 21044

CERTIFICATE OF SERVICE

Claimants hereby certify that on this 18th Day of December, 2023 a copy of the above motion for injunctive relief mandated by the Americans with Disabilities Act was mailed by United States Postal Service to the defendant Md Dept. of Health at 200 W. Preston St. Baltimore, MD 21201.

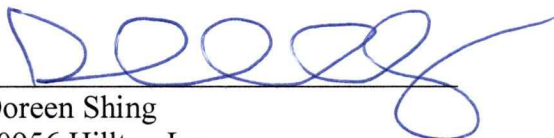


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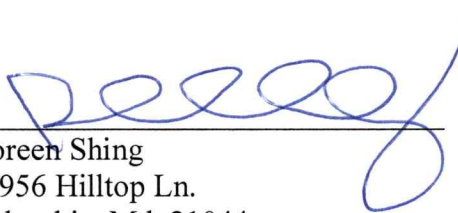
Claimants hereby certify that on this 18th Day of December, 2023 a copy of the above motion for injunctive relief mandated by the Americans with Disabilities Act was mailed by United States Postal Service to the defendant Md Developmental Disabilities Adm. at 201 W. Preston

Street 4th Floor Baltimore, MD 21201.


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Claimants hereby certify that on this 18th Day of December, 2023 a copy of the above motion for injunctive relief mandated by the Americans with Disabilities Act was mailed by United States Postal Service to the defendant The ARC of Chesapeake at 999 Corporate Blvd. # 300 Linthicum Heights, MD 21090.


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